



## Human Rights Report

1 May –30 June 2006

### Summary

1. The period under review is marked by great challenges, resulting from the prevailing human rights situation in Iraq, as well as by unique opportunities with a new Government of national unity announced on 22 May and its firm commitment to address forcefully urgent human rights concerns so as to establish the rule of law in the country.

2. Insurgent, militia and terrorist attacks continued unabated in many parts of Iraq, especially in Baghdad and in the central and western regions, with an increasing sectarian connotation. A total of 5,818 civilians were reportedly killed and at least 5,762 wounded during May and June 2006.<sup>1</sup> Killings, kidnappings and torture remain widespread. Fear resulting from these and other crimes continued to increase internal displacement and outflows of Iraqis to neighbouring countries. The negative effect of violence on professional categories, targeted by sectarian and criminal violence or displaced as a result, coupled with inadequate provision of basic services, also affected the level of education and health care received by the population. Women, children and vulnerable groups, such as minorities, internally displaced and disabled persons continue to be directly affected by the violence and the ongoing impunity for human rights violations. Organized crime and corruption have persistently added to the overall insecurity.

3. The new Government has outlined concrete steps required for the improvement of the security situation and is addressing human rights challenges in a more transparent manner. The Iraqi Government released thousands of detainees, expressed a commitment to engage in national reconciliation and dialogue, to address reform of the security forces, tackle the issue of militias, investigate human rights violations more forcefully and support the establishment of a National Commission for Human Rights. Setting up accountable institutions to protect and promote human rights will be fundamental to building public trust, reducing violence and reinforcing the rule of law in the country.

4. The announcement of a national reconciliation plan by the Prime Minister on 25 June provided a sign of political will needed to confront crucial human rights problems. As recognized in the Prime Minister's plan, a fundamental pillar of national reconciliation must include an open and comprehensive analysis of human rights violations committed by the previous regime as well as of current human rights challenges, which remain the

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<sup>1</sup> See paragraph 9. below.

root causes of ongoing grievances and foment the cycle of violence. Efforts to address current human rights concerns must be accompanied by delivery of justice and reparations to victims of past human rights violations and their families.

5. The international community is prepared to assist Iraq in addressing such problems in order to rebuild a democratic society based on the rule of law and respectful of human rights. However, high levels of insecurity are hampering reconstruction and peace-building efforts. Improving security remains central also to the normal operation of international agencies providing assistance to the Government and the people of Iraq. Under current circumstances those agencies find it difficult to deploy their full potential in support of national efforts.

6. The police and armed forces are carrying out their work in an extremely difficult environment. Police officers and new recruits are primary targets of the insurgency and have suffered significant losses. While they continue to bear the brunt of incessant attacks, there is equally an urgent need for law enforcement agencies to ensure that adequate training is also translated into standing orders, implementing regulations and effective internal accountability mechanisms. The functioning of these state institutions is negatively affected by the violence, corruption, inadequate resources and infrastructure and internal control systems which are weak or non-existent. Often, the response of law enforcement agencies and military operations has contributed to the violence and has also brought significant distress to civilians in many parts of the country. It is vital that the Government anchor its response to the ongoing violence in law, which should include an absolute ban on torture and the right to a fair trial. Disturbingly, security incidents are said to occur also within view of the police, who are reportedly unable or unwilling to intervene and restore order.

7. Another key element for the establishment of the rule of law will be the dismantlement of the numerous militias and armed groups which have been accused of involvement in serious human rights violations and in criminal activities. Public figures, including from the Government, have recognized this as a necessary step. Therefore, any demobilization and integration of militias into law enforcement agencies must be paired with an effective vetting process. Iraqi citizens, and in particular the victims of abuses, need to be able to rely on public institutions they trust and on individuals that show integrity and professionalism.

8. Monitoring human rights in Iraq remains challenging, particularly because the security situation makes it difficult to independently verify the allegations received. However, individual accounts received by UNAMI, as well as information obtained through the authorities, reports by local human rights organizations, private security firms and the press, provide additional indicators pointing to clear patterns.

## **Protection**

### **Extra-judicial executions, targeted and indiscriminate killings**

9. The reported number of civilian casualties continued an upward trend. According to figures provided by the Ministry of Health, which include counts from hospitals in all Governorates<sup>2</sup> indicate that 1,294 civilians died as a result of violence in May 2006 (among them 58 women and 17 children) and 2,687 were wounded (among them 178 women and 41 children). In June 2006 1,554 civilians died violently (among them 66 women and 30 children) and 3,075 were wounded (176 women and 58 children). The overwhelming majority of casualties were reported in Baghdad. In addition, the Medico-Legal Institute in Baghdad (MLI) separately reported receiving 1,375 unidentified bodies in May and 1,595 in June 2006. The total figure of civilians killed in Iraq, adding the figures provided by the Ministry of Health and the MLI, reaches 2,669 civilians in May and 3,149 in June 2006. According to the Ministry of Health, from January to June 2006 there were 6,826 civilians killed and 13,256 wounded.<sup>3</sup> Including the figures of the MLI in Baghdad for the period, the total of civilians killed in Iraq from January-June 2006 was 14,338.<sup>4</sup>

10. On 25 June, the Ministry of Health publicly acknowledged information stating that since 2003 at least 50,000 persons have been killed violently. The Baghdad morgue reportedly received 30,204 bodies from 2003 to mid-2006. Death numbering 18,933 occurred from “military clashes” and “terrorist attacks” between 5 April 2004 and 1 June 2006. The Ministry further indicated that the number of deaths is probably under-reported.

11. Civilian casualties resulted mainly from bombings and drive-by shootings, from indiscriminate attacks, in neighbourhood markets or petrol stations, or following armed clashes with the police and the security forces. Civilians were also targeted or became unintended victims of insurgent or military actions. Terrorist acts against civilians have been aimed at fomenting sectarian violence or allegedly motivated by revenge and have targeted members of the Arab Shi’a and Sunni communities, including their cultural symbols, as well as markets in Shi’a neighbourhoods. Collusion between criminal gangs, militias and sectarian “hit groups,” alleged death squads, vigilante groups and religious extremists adds further complexity to the situation. Certain neighbourhoods in Baghdad often witness fighting among armed groups, police and Special Forces. Execution-style killings continue to take place in the streets of Baghdad and other locations, most notably in Babil, Basra, Falluja, Karbala, Kirkuk, Mosul and Ramadi.

12. On 22 May, 4 bodies of truck drivers were found in an area near Abu Ghraib severely tortured. On 24 May, 7 bodies were found in Al-Iskandaria South of Baghdad and 9 bodies were found in Al-Da’ira district in Babil. On 29 May, unknown individuals reportedly attacked a bus carrying Iraqi workers employed by the People's Mujahedeen of Iran while driving on the road to Ashraf Camp. The explosion took place 3 kilometers north of Khalis and left 13 Iraqi workers dead and 15 others wounded.

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<sup>2</sup> The Region of Kurdistan is not included in these statistics.

<sup>3</sup> There were 710 civilians killed in January; 1,055 in February; 1,084 in March and 1,129 in April 2006.

<sup>4</sup> The Region of Kurdistan is not included in these statistics.

13. On 6 June, with a car-ban in full effect, a suicide bomber exploded inside the Shi'a Buratha mosque, which had been previously targeted in April 2006 - killing at least 11 people. On 10 June, 7 bodies were found in the river "Malih," in Wasit Governorate. The victims wore civilian clothes; some were handcuffed, tortured and shot in the head. Dead bodies are regularly found in the same river. While a new operation to increase security in Baghdad, "Together toward Progress," which was launched by Iraqi security forces with the support of the MNF-I started on 14 June in Baghdad, insurgent attacks continued to take a heavy toll among civilians. On 14 and 15 June car bombs exploded in Al-Waziriya, Bab Al-Mua'adham, Hay Al-Risalah and other places as police patrols and check points became insurgent targets. On 17 June, four explosions in Baghdad, including in the Haraj market, killed more than 40 and wounded many others.

14. On 1 June in Basra, approximately 39 people were killed and 69 wounded, calling into question the implementation of the "state of emergency" declared only the previous day. On 9 June in Mosul, 60-year-old Mr. Anwar Hussein Abdullatef, a former Mosul Deputy Governor, was killed by unidentified gunmen. Also in Mosul, on 9 June 2006, gunmen killed Mr. Zuhayr Kashmula, brother of the Governor of Ninewa Mr. Duraid Kashmula, and four others when they were leaving prayers. Mr. Duraid, member of a prominent Sunni Arab family, had been selected as a Governor following the assassination of his older brother, Usamah Kashmula, appointed as "Governor" by the Coalition Provisional Authority (CPA) in 2003. On 10 June, Governor Duraid Kashmula survived an assassination attempt when gunmen attacked his brother's funeral procession.

15. On 16 June in Basra, Sheikh Yusuf Al-Hassan, chairman of the Association of Muslim Scholars for the southern region, Dean of the Basra Sunni religious school "Imam Al-Hassan Al-Basri" and Imam at the "Al-Basra Al-Kabeer" mosque was killed by unknown gunmen. On 30 June in Kut, armed men on a motorcycle killed a former member of the Baath party as he traveled in a vehicle with his wife. The same day, police found four bodies in Al-Rashaad, south of Kirkuk. The victims were shot, blindfolded; their hands and legs were tied and their bodies bore signs of torture.

16. UNAMI HRO has received several reports indicating that, since 2005, homosexuals have been increasingly threatened and extra-judicially executed by militias and "death squads" because of their sexual orientation. It is believed that such incidents are underreported, because families are unwilling to admit that targeted members were homosexual for fear of further abuse. It has been difficult to independently verify the information received due to the fact that members of this group maintain a low profile, preferring instead to go into hiding or leave the country.

17. From October 2005 to 30 June 2006 at least twelve homosexuals were reportedly killed in targeted attacks. Militias are reportedly threatening families of men believed to be homosexual, stating that they will begin killing family members unless the men are handed over or killed by the family. In March 2006, a 29-year-old man was kidnapped in Baghdad and his family threatened for allowing him to lead a homosexual lifestyle. The family paid a ransom for the man's release but the mutilated body of the kidnapped victim was instead found dead a few days later. In another case reported a homosexual

man was allegedly victim of “honour crime.” It was reported in the press that the man’s father was released without trial once he explained that he had hanged his son after discovering that he was homosexual.

18. As with other human rights violations, the Iraqi Government must ensure that all persons are protected without discrimination. In 2005, the former United Nations Commission on Human Rights approved a resolution reaffirming the obligation of States to protect the right to life of all persons under their jurisdiction and called upon States to investigate promptly and thoroughly *“all cases of killings, including those committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation.”*<sup>5</sup>

### **Attacks against the Judiciary**

19. The current difficulties faced by the judiciary, particularly in cases involving organized crime, corruption, terrorism and militia-sponsored armed activities are due to the high level of intimidation and threats, limited protection mechanisms for both witnesses and judiciary, as well as limited number of investigative judges. Bar Associations in several part of the country held strikes to protest against the attacks on lawyers and to call for increased protection measures.

20. Since April 2003 at least thirteen judges have been killed according to the High Judicial Council. On 9 May two judges were reportedly killed in Baghdad: Mr. Mohaimen Al-Mahmood, a judge in Al-Adhamiya First Instance Court, was killed in front of his home by unidentified gunmen and Iskandar Al-Jiboury, a judge in Central Criminal Court of Iraq (CCCI), was allegedly poisoned together with two of his bodyguards. A judicial investigator of the CCCI, Firas Mohammed, was also killed on 11 May. On 12 May, Mr. Ahmed Medhat Al-Mahmood, a lawyer and son of the President of the High Judicial Council, was killed with two of his bodyguards in Baghdad. On 21 May Judge Akrem Jumaa Al-Maamori, from Al-Kharkh court in Baghdad, was also killed. One of the lawyers defending Saddam Hussein, Mr. Khamis Al-Obaidi, was kidnapped on 22 June by approximately 10 individuals dressed as police officers from his home in Baghdad. He was later found murdered in an area near Sadr City.

### **Teachers, education, universities**

21. Attacks against teachers, university professors and students as well as extremists inside universities resulted in numerous deaths and an increasing number of academics and intellectuals leaving the country. On 2 May, Mohammed Abdul-Raheem Al-Ani, a professor at Al-Mustansiriya University and a doctorate student in the College of Islamic Sciences of Baghdad University as well as a member of the Muslim Scholars Association, was allegedly arrested by elements of the Ministry of Interior near Al-Farouq Mosque in Palestine Street in Baghdad. His body was found in the Forensic Medicine Morgue in Baghdad. Four teachers were reportedly killed on 15 May as they

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<sup>5</sup> Commission of Human Rights; resolution E/CN.4/RES/2005/34, 20 April 2005.

were going to their school near the town of Baladruz. A Shi'a professor, Widad Al-Shimri, and her seven-year-old daughter were slain as they drove through Ba'quba on 12 May. On 22 June Dr. Jassim Mohammed Al-Eesawi, a 61-year-old professor at the College of Political Sciences in Baghdad University and editor of Al-Syada daily newspaper, was assassinated in Al-Shu'ala city in Baghdad. In Mosul, at least seven university students were assassinated during May 2006.

22. Mr. Ahmad Abdul Wadir Abdullah, a Sunni Arab professor at the College of Chemistry in the University of Basra, was killed on 10 June. Mr. Qasim, Yousif Yacoub, another lecturer at the Basra University was killed on 15 June. Sheikh Yousif Al-Hussein, dean of Al-Hassan Al-Basri School, was killed on 16 June in Basra. On 18 June, gunmen killed Mr. Modhaer Zayed Al-Dabagh, a lecturer in the Computer Collage of Mosul University, in the front of the Ministry of Interior in Baghdad. On 21 June gunmen killed the dean of the Abdullah Bin Om Kalthoum School in Al-Zubair, in Basra, during the final examinations. The dean was reported to have been killed in front of his students. The residents of Al-Zubair area demanded that the authorities provide police patrols and check-points, especially around schools and mosques.

23. On the night of 19-20 June a group armed men, allegedly from the Ministry of Interior, attacked the students' dormitory at the University of Kufa. According to the information and photos received by UNAMI Human Rights Office (UNAMI HRO), the men beat the students severely and shot inside the premises, wounding some of the students and destroying public and private property. Tens of students were reportedly arrested and tortured after the incident.

### **Health workers and access to health care services**

24. Kidnapping and assassinations continue to affect health workers and professionals in general. The Ministry of Health reported that since April 2003 to 31 May 2006, 102 doctors were killed; 164 nurses were killed and 77 wounded; 142 non-medical staff (drivers, guards, administration personnel) were killed and 117 wounded. In May 2006 alone, 8 doctors were killed and 42 wounded; 8 nurses were killed and 7 wounded and among non-medical staff 6 were killed and 4 wounded.<sup>6</sup> According to some estimates, approximately 250 Iraqi doctors have been kidnapped in the past two years.

25. The Medical Association in Mosul informed UNAMI HRO that, since April 2003, at least 11 doctors have been killed while another 66 have left the city. In Mosul, on 8 May 2006 at 18:00 hours, unknown gunmen arrived in two private cars to the Al-Zayzafon pharmacy, opposite Al-Khansa hospital in Al-Sukar district. The men took the pharmacist Fadhel Ezalddin Nidham and executed him in public before setting the pharmacy alight. Also in Mosul, on 15 May, in Garage Al-Shemal area unknown gunmen assassinated Dr. Adnan Abbas Al-Hashemy after he was leaving his private clinic. Two other doctors are said to have been killed the same week in Mosul.

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<sup>6</sup> These figures refer to all Governorates of Iraq excluding the Region of Kurdistan. No figures were available for June 2006.

26. Following an explosion in the city of Tal Afar on 9 May many civilian casualties, including women and children, were taken to the hospital for treatment. According to reports received by UNAMI HRO a group of armed men entered the health facility with handguns and rifles and demanded at gunpoint that the medical personnel stops treating a wounded child in order to treat another man with a minor shell wound in his leg. The reports indicate that the armed men also destroyed equipment and assaulted an ambulance driver and the pharmacist. The men also fired inside the premises and stole money and mobile phones from the staff rooms.

27. As a result of the violence, many health workers continue to leave the country or to relocate to safer areas. In western regions of Iraq, where ongoing military operations have resulted in increased number of casualties, hospitals have reported lack of adequate supplies, military surveillance of medical facilities, intimidation and harassment of medical personnel. In general, health workers have failed to receive adequate protection during military operations and they have been unable to carry out their work in safety.

28. According to the Ministry of Health in the Kurdish Regional Government, from January 2006 at least 53 Arab medical doctors from other parts of Iraq have been employed in the Region of Kurdistan. This figure does not include other doctors who migrated to the Region and are working as private practitioners or in other jobs.

29. Apart from threats to their personal safety, health care providers face difficulties in carrying out their work because of the limited supply of electricity and growing number of patients due to the increase in violence. Furthermore, because of the proliferation of weapons, doctors and nurses face insecurity inside the hospitals, kidnapping of patients, pressure by militias and other armed forces and groups in order to sign certificates or to prioritize treatment. Corruption in hospitals has also been noted as one of the obstacles for access to health by the population.

30. The attacks against health care providers, their displacement to safer areas of the country or to other countries, coupled with lack of adequate facilities, equipment and shortages in medicine have reportedly resulted in an overall decline in the quality of medical service.

### **Kidnappings**

31. Kidnappings have become one of the most widespread crimes in Iraq. The UNAMI HRO has received numerous reports regarding individuals who have been taken at gunpoint by armed groups, sometimes wearing police uniforms or militia outfits. Kidnappers normally request significant amounts of money from the victims' family although many hostages are killed after the ransom is paid. On some occasions, sectarian connotations and alleged collusion with sectors of the police, as well as with militias, have been reported to UNAMI. Although there are no reliable statistics regarding this phenomenon, because Iraqis often are afraid to report such crimes to the police, the kidnappings are likely a daily occurrence. UNAMI HRO is aware of numerous other cases of kidnapping of children, most of whom seem to be released after a ransom is paid.

32. Increasingly, there are reports of group kidnapping, presenting mixed connotations of organized crime with a sectarian element. On 17 May, the entire Iraqi Tae Kwan Do team, composed of 15 children from Sadr City in Baghdad ranging from 12 to 15 years of age, was kidnapped near Ramadi when they were returning from Amman. There is no news regarding their whereabouts. On 5 June approximately 60 armed men in 13 vehicles blocked a crowded area in Baghdad “Al-Salhia”, where bureaus of transportation to Syria and Jordan are located, and took 50 individuals (shop owners, workers and travellers). Two victims were released the same day and another 15 were released on 7 June. The victims were allegedly tortured and some had bullet wounds in their legs. Those released were reportedly interrogated by militias allegedly associated with the Ministry of Interior. The fate of 33 other kidnapped persons is still unknown. On 18 June, 10 bakery workers were reportedly abducted from their workplace in a Shi’a neighbourhood in Baghdad. Other attacks against Shi’a bakery workers have taken place in the past although this is the first time that such a massive abduction operation takes place. On 21 June, approximately 64 to 80 employees of the Ministry of Industry were kidnapped as they were leaving a factory in Al-Taiji area, and were returning on buses to mostly Shi’a neighbourhoods in Baghdad. Approximately 30 women and children were immediately released by the captors and at least a few, who claimed to be Sunni by showing fake identity cards, were also released. On 22 June the Iraqi police announced that it secured the release of 17 others during a raid on a farm; the following day five of the kidnapped from the same group appeared dead in the Tigris River in Baghdad. Others remain missing.

33. Foreigners also continued to be affected. On 25 June, 4 Russian Embassy workers, kidnapped since 3 June, were reported to have been executed by their kidnappers.

### **Intolerance**

34. Individuals continue to face harassment and intimidation by extremist elements if they are not inclined to conform to traditional dressing. Women, national and religious minorities as well as homosexual were particularly targeted. This intimidation is reportedly carried out at neighbourhood level through the distribution of leaflets, personal contact and even through text messages sent via cellular phones.

35. On 28 May, an Iraqi tennis coach and two of his players were shot dead in Baghdad allegedly because they were wearing shorts. Similar threats are said to be made to induce men to conform to certain hair styles or rules regarding facial hair.

### **Religious freedom**

36. Ongoing bombings and suicide attacks, have affected the right of worshipers to exercise their freedom of religion. While attendance to Christian churches has reportedly declined following bomb attacks in 2004 and 2005, attacks against mosques of Sunni and Shi’a denomination, as well as against religious authorities, have also reportedly resulted in diminished attendance. In order to restore trust among communities, allegations that some mosques are used as premises to plan and execute terrorist acts, or that they are

used as clandestine detention centres where human rights violations are committed, should be fully investigated with the cooperation of the religious authorities of all communities.

37. On 10 and 12 May, two Sunni clerics were killed in and near Basra. Six other Shi'a mosques were targeted in and around Ba'quba on 14 May. Also in Basra, on 26 May, Sunni Sheikh Wafeeq Al-Hamdaniwas was killed reportedly on his way to lead prayers in the Al-Kawaz mosque in Al-Qadimah, the old quarter of the city. In Basra, a Sunni sheikh was assassinated on 2 June while on his way to Al-Hasanain Mosque in Al-Mishraq area. On 15 June, unknown gunmen attacked the mosque of Imam Muslim in Al-Alam District east of Tikrit during early hours of the morning, killing four civilians and wounding twenty-four others.

38. On 3 June at 23:00 hours the Sunni Al-Arab Mosque, located in the centre of Basra, was surrounded by more than 50 Iraqi police cars. There were around 20 persons inside the mosque including guards and students. Ten of them were reportedly killed in the incident that followed; of the additional ten arrested four remain in detention on charges that they were involved in the Qadimah bombing.

39. On 16 June a suicide bomber attacked the Buratha mosque, killing at least 11 worshipers and wounding many others. The same mosque had been the target of another bombing in April 2006, killing at least 70 worshipers. On 23 June, two of the guards of the Buratha mosque were wounded after unidentified men threw a grenade at their car.

40. On 23 June, at least 12 worshipers died in a Sunni mosque in the town of Habbib, near Ba'quba, as they left Friday prayers. On 23 June there were reports that a worshiper was killed and three others were wounded after they were attacked in the Al-Fadhil neighbourhood. On 24 June 70-year-old Sheikh Jamal Dabban, Mufti of Iraq, was detained by MNF-I with two of his sons and sheikh Abdallah Al-Hitti who was at the house of Dabban at the time of the operation. The Iraqi Islamic Party and the Association of Muslim Scholars protested their detention and demonstrations spread through Salah al Din Governorate. After seven hours, the MNF-I released the men and apologized for the action.

## **Women**

41. Many women have complained to the Human Rights Office that their freedoms are being restricted due to extremist Sunni and Shi'a elements operating at neighbourhood level, who proffered threats and intimidations both verbally and through flyers. There are reports that, in some Baghdad neighborhoods, women are now prevented from going to the markets alone. In other cases, women have been warned not to drive cars or have faced harassment if they wear trousers. Women have also reported that wearing a headscarf is becoming not a matter of religious choice but one of survival in many parts of Iraq, a fact which is particularly resented by non-Muslim women. Female university students are also facing constant pressure in university campuses. Furthermore, UNAMI HRO learned that girls are also facing similar pressures to wear a headscarf in schools.

Equally disturbing are reports that in some public offices, including Ministries, women have been warned that they must wear a headscarf at all times.

42. Women organizations have complained that the number of female Ministers in the Federal Government has dropped from six to four, that the number of female legislators is 16 less in the Council of Representatives compared to the Transitional National Assembly and that there are no women in the Presidency Council or the Prime Minister's office. Some groups are asking for a quota of female members in the Government and decry the lack of sufficient female representatives in the negotiations for national reconciliation. Others have complained at the recently revamped regulation requiring that women need to be accompanied by their husbands or another male member of their family if they wish to apply for a passport or travel abroad.

43. Women's groups continue to be mobilized against further curtailment of their rights and have denounced the increasing restriction in their freedoms and safety. Violence against women, including sexual violence, and trafficking are identified as growing problems by women's groups. Women who are victims of sexual violence are reluctant to contact the police because they fear of being killed by relatives in order to restore the "family honour." Displacement is increasing women vulnerability by augmenting health risks while diminishing access to health care and to other services.

44. The situation of women is significantly different in the Region of Kurdistan. The Women Affairs Committee in the Kurdistan Regional Assembly has worked significantly to ensure that women enjoy their rights in the Region. In the cases of murder of women the Committee succeeded in changing the law. "Honour" is no longer considered "extenuating" but an "aggravating" circumstance. However, the Committee admitted that much work remains to be done to ensure that the police force consider "honour crimes" as serious crimes and investigate them accordingly.

## **Children**

45. Children remained victims in Iraq in many ways. Although not necessarily targeted, they are killed or maimed in sectarian-motivated attacks and in terrorist and insurgency acts. They are civilian casualties in MNF-I and Iraqi security forces-led raids against insurgents or militias, and suffer the most from other political, social and economic consequences of Iraq's violent daily reality. The extent of violence in areas other than the Region of Kurdistan is such that likely every child, to some degree, has been exposed to it. Children suffering disabilities have also been unable to access adequate care and education.

46. On 26 June, 10 children were reported to be among at least forty people killed in targeted explosions on two crowded markets in Hilla and Ba'quba. Three children were reported as casualties in June clashes between the MNF-I and anti-Coalition forces in Maysan. Conversely, MNF-I informed UNAMI that only one insurgent was killed in this incident. In the first week of May, Iraqi police reported finding a group of 100 brutally murdered people in Karbala, among them a 13-year-old child.

47. In one case the body of a 12-year-old Osama was reportedly found by the Iraqi Police in a plastic bag after his family paid a ransom of some 30,000 US dollars. The boy had been sexually assaulted by the kidnappers, before being hanged by his own clothing. The police captured members of this gang who confessed of raping and killing many boys and girls before Osama.

48. Minors are often witnesses of extreme violence, killings and scene of carnage and dead and mutilated bodies. On 21 June, the dean of the Basra Abdullah Bin Om Kalthoum School was assassinated in front of his students.<sup>7</sup>

49. Violence, corruption, inefficiency of state organs to exert control over security, establish the rule of law and protect individual and collective rights all lead to inability of both the state and the family to meet the needs of children.

50. According to the joint UN and Iraqi government food security and vulnerability analysis, children are the primary victims of food insecurity, with every one in ten child suffering from malnutrition. The survey also records the growing drop-out rate among pupils less than 15 years of age – 25 percent of students under the age of 15 lived mostly in rural areas and were identified as extremely poor. The main reason given for the drop-out rate is the inability of the families to afford to pay for the schooling and schools being located too far away from home.<sup>8</sup>

51. Another area where support to the Iraqi government is urgently required is that of juvenile justice. UNICEF has held a number of trainings for staff of the Ministry of Labor and Social Affairs on the need to improve the situation of the juveniles in prison. Juveniles are however often subjugated to the same lack of proper conduct by Iraqi police as are the adults. They are often held in police detention for a prolonged period of time without access to a social worker, lawyer, and sometimes even the family. Over 20 students, all age of 18, have been held in a police detention for eight months in Basra. Thanks to the Iraqi Ministries of Justice and Labor and Social Affairs, as well as the Coalition prison advisers, the practice to separate the adults from youth in prisons has made progress, although many facilities where minors are detained are still overcrowded and require further adaptations.

52. UNAMI HRO is also aware of the extreme hardship of the children of internally displaced families, whose numbers are growing every day. The living conditions are sub-standard, without access to education and health care services, trauma counseling, available support to children with disabilities, to mention a few examples.

53. Additional hardship for families and children is caused by the lack of adequate places to socialize, play and learn as would be necessary for their healthy development. Many Iraqis complain of having to keep their children at home for prolonged periods of time.

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<sup>7</sup> See paragraph 9. above.

<sup>8</sup> See UN World Food Programme – Government of Iraq: “Food Security and Vulnerability Analysis in Iraq,” survey of May 2006 with the support of UNICEF.

## Minorities

54. Minorities in Iraq constitute not less than 10 percent of the Iraqi population and continue to express concerns regarding their official recognition, threats to their identity and their desire for increased political rights and participation in the life of Iraq. Faeli Kurds have also been displaced from Diyala and eastern areas of Baghdad. Kurds and Christians in Ninewa reported continuing patterns of threats, intimidation and killings in the city of Mosul while Christians have complained of illegal policing by Kurdish militias in the Ninewa plains. As a result, many Christian families from Baghdad and Ninewa continue to leave the country or relocate to safer areas in the Ninewa Governorate or the Region of Kurdistan.

55. Representatives of the Shabaks have submitted to UNAMI HRO a list of 41 members of this community who have been killed during June 2006 in Mosul. In areas where they constitute a minority, Sunni and Shi'a continued to be intimidated by armed and extremist groups into leaving mixed areas and continue to move to areas where they constitute a majority. Following recent threats against Shia's in general and Shabaks in particular to leave Mosul or be killed, of which UNAMI HRO has received a copy, Shabaks are considering relocation.<sup>9</sup> Mandeans are reportedly also seeking to move to safer areas of the country. Representatives of the Iranian Ahwazi refugee community – Iranian Arabs – expressed concerns regarding their vulnerability to UNAMI HRO. Five members of the Ahwazi community were reportedly assassinated since the fall of the past regime allegedly because they support separation of the Ahwazi from Iran.

56. With the support of the UN Development Programme (UNDP), the 2<sup>nd</sup> Conference of Iraqi Minorities took place 27 May 2006. The conference, attended by some 250 representatives from minority groups in the country, emphasized minority rights as the cornerstone in building a unified and democratic Iraq. The UN Independent Expert on Minority Issues, Ms. Gay McDougall, sent a message expressing support for Iraqi minorities while voicing concern at the challenges they face in Iraq.

57. The conference recommended that all of the Iraqi minorities are represented in the parliamentary committee to review the constitution and that safeguards are included in the electoral law to ensure proper minority representation; the protection of the minorities' cultural and social identity, including the education of minorities in their mother tongue. It also called for the need to increase participation of minorities in high level decision-making process; to implement development projects in areas inhabited by minorities and affected by the different conflicts; to restore traditional property and land rights closed by the previous regime; to restore the right of citizenship for those living in the diaspora; to support the realization of a national census; to restore schools for minorities confiscated during the previous regime and to establish directorates for minorities within the Ministry of Culture; to support civil society institutions working for the promotion of a culture of tolerance and the rejection of national or religious extremism. The meeting also agreed to establish a committee in the Council of Representatives to follow up on the implementation of these recommendations.

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<sup>9</sup> See paragraphs 58-62 below.

## **Recent displacement**

58. The total number of displaced persons in Iraq is estimated at 1.3 million persons, nearly five percent of the country's population, though most of them have moved during a period dating back 26 years. Many of those are in the Kurdish Region and were victims of violent campaigns carried out by the former regime. While the primary focus of assistance remains the currently displaced, efforts should continue to provide durable solutions to previous caseloads.

59. Increasing numbers of Iraqis are fleeing their homes since the destruction of Al-Askari Shrine in Samarra, on 22 February, unleashed a wave of sectarian violence across many regions in the country. Approximately 150,000 persons have been displaced by 30 June 2006, according to estimates by the Ministry of Displacement and Migration and partners of the United Nations. The main reasons for such displacement are direct or indirect threats received by individuals, or following attacks to family members or the community in the neighbourhood of origin. Displaced persons find themselves in a condition of vulnerability, lacking many basic rights and competing for limited services, which increase inter-communal animosity in their points of arrival. In turn, this can generate further displacement.

60. The highest number of newly displaced can be found in Baghdad, Anbar, Karbala, Salah Al-Din, Diyala, Najaf, Dhi Qar, Muthanna, Maysan, Wasit and Basra. Most Shi'a Arabs are fleeing Central Governorates (Baghdad, Anbar and Salah Al-Din) towards Southern Governorates (Najaf, Qadissya, Wasit and Karbala) while Sunnis are moving towards Baghdad, Diyala and Anbar. In mixed Governorates, such as Baghdad and Diyala, displacement is also taking place within the Governorate. Approximately 3,140 families, mostly Christian from Ninewa and Baghdad, have moved to Dahuk Governorate or to areas in Ninewa Governorate under *de facto* control of the Dahuk administration, while some 400 families have moved from Ninewa to Erbil Governorates. In Al-Anbar, ongoing military operations are the main reasons for displacement.

61. Many Kurdish families have reportedly left Diyala because of the Sunni-Shi'a tension. In Sulaymaniya, approximately 200 families were said to have fled their shelters after skirmishes, on 1 May, between Iranian troops and Iranian Kurdish elements allegedly operating from the Iraqi territory. It is reported that all families have subsequently returned to their homes.

62. The Human Rights Office has received reports that unscrupulous brokers are enticing some families to leave their original homes and that the same homes are subsequently allocated – for a fee - to newly displaced persons. Other reports implicate militias in the allocation of recently vacated homes.

## **Situation of Palestinians in Iraq**

63. The situation of Palestinians in Iraq continues to be of serious concern. Some 34,000 Palestinians have been living in Iraq for years but are currently victims to various types of human rights violations because they are perceived as supporters of the previous regime or the insurgency. After serious attacks against the Palestinian community following the destruction of Al-Askari Shrine in Samarra on 22 February 2006, their security situation has varied.<sup>10</sup>

64. In the morning of 26 June the apartment building complex where many Palestinians reside in Baghdad, in Al-Baladiyat neighbourhood, was attacked by armed individuals identified as militias. Some accounts indicated that among the aggressors there were allegedly members of the Special Forces of the Ministry of Interior. At least 4 Palestinians died and many others were wounded when the militias reportedly opened fire in a local market. Among the attackers, 7 were reportedly killed in the ensuing clashes. After the initial assault, the armed men entered several apartments and detained at least 12 young men. The situation was brought under control after the intervention of the MNF-I but Palestinians remain fearful and requested that the MNF-I continue frequent patrols to dissuade further attacks.

65. The Human Rights Office received several reports that, following the attack in Al-Baladiyat, family members of one Palestinian killed during the clashes was also murdered outside the Medico-Legal Institute in Baghdad, when they tried to recover the body of their relative. UNAMI HRO also received reports that two Palestinians wounded during the 26 June clashes were kidnapped from Al-Kindy and Habibiya hospitals by unidentified armed men.

66. The approximately 175 Palestinian refugees who are stranded in no-man's land, on the border to Syria, recently reported that, on 18 June, Iraqi Security Forces arrived in several vehicles in front of the camp and told a man standing there that the Palestinians were terrorists and threatened to take him back to Iraq with them. The man started shouting and calling a Syrian security officer who happened to be in the camp. The officer called for a Syrian Patrol to assist, but the Iraqi Security Forces left in their vehicles towards Iraq.

## **Rule of Law**

### **Detention**

67. The conditions and the legality of detention in Iraq continue to warrant attention. According to the Ministry of Human Rights in Baghdad, as of 30 June 2006, there were a total of 25,707 detainees – 12,616 in the custody of the MNF-I; 7,528 held by the Ministry of Justice; 487 juveniles held by Ministry of Labor and Social Affairs; 4,346 held by the Ministry of Interior and 730 by the Ministry of Defense. In relation to March-April 2006, the figures indicate a decrease in the overall number of detainees, especially in MNF-I facilities. According to figures provided by the Ministry of Human

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<sup>10</sup> See UNAMI Human Rights Bi-Monthly Report: January – February 2006 and March-April 2006.

Rights of the Kurdish Regional Government a total of 2,147 individuals were detained in the Region of Kurdistan.

68. Overcrowding and the lack of judicial oversight remain problematic. The current number of detainees continues to far outstrip the capacity of the Iraqi criminal courts to adjudicate the cases. As MNF-I envisage transferring detainees to Iraqi authorities, there is a need to ensure that detainees have rights to due process within a reasonable period of time. UNAMI HRO recognizes the enormous challenges faced by the Iraqi judiciary and call on the Higher Judicial Council to redouble its efforts to train and recruit additional judges and prosecutors in particular and to facilitate their access to detention facilities.

69. In an attempt to boost national reconciliation, on 6 June, Prime Minister Nouri Al-Maliki, announced his plan to release 2,500 detainees.<sup>11</sup> Significantly, until 30 June more than 3,115 individuals had been released from MNF-I custody - 1,000 through the Combined Release and Review Board (CRRB) process while the rest were considered as low security cases. UNAMI HRO welcomes such releases and encourages MNF-I to continue processing lists for the administrative release through the CRRB (composed of representatives of MNF-I, Ministries of Justice, Interior and Human Rights). Over the past few months, the 90-days review process through the CRBB was strengthened through the creation of additional committees and the hiring of additional military lawyers.

70. Prime Minister Al-Maliki presented his 24-point plan, on 25 June 2006, aimed to grant amnesty for *“detainees who were not involved in terrorist crimes and acts, war crimes and crimes against humanity, and the formation of the necessary committees for the release of the innocent and those who are not proven guilty as quickly as possible.”* The plan sets out some principles and gives no specific deadline for its implementation. Details of the amnesty plans have yet to be formulated. UNAMI HRO has started discussions with key Iraqi Ministries so as to provide assistance in this process.

71. During the last months, new evidence has continued to emerge pointing to torture and other cruel, inhumane or degrading treatment in detention centres administered by the Ministry of Interior (MOI) or affiliated forces throughout Iraq. It should be noted that senior members of the new Iraqi Government have publicly indicated their determination to mark a difference with the previous Government and thus take action on human rights violations. Under the National Reconciliation plan, the Government is promising to allow national and international organizations to visit prisons and inspect the conditions of the prisoners.

72. On 1 June, the Joint Detention Centres' Inspection Committee, led by Deputy Prime Minister Dr. Salam Al-Zuba'i, carried out an inspection in a place identified as “Site 4,” holding detainees previously held by the Public Order and Wolf Brigades. Detainees numbering 1,431 were being held in “Site 4” in overcrowded, unsafe and unhealthy conditions. The committee found clear evidence that the detainees suffered systematic physical and psychological abuse by MOI officials. Photographic evidence collected and

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<sup>11</sup> According to the Ministry of Human Rights 92 percent of detainees in MNF-I custody are Sunni Arabs.

in possession of UNAMI HRO documented lesions resulting from torture as well as equipment used for this purpose. What appeared to be forged official letters for the illegal transfer of detainees between different sites were also produced. Following the inspection, 41 of the injured detainees were taken to another detention centre run by the National Police (“Site 3”) where they were questioned and filmed. More seriously injured detainees were admitted to hospital to receive adequate medical treatment. Thirty seven (37) juveniles were also transferred from “Site 4” to “Site 3. The Joint Detention Centres’ Inspection Committee has recommended the detention of the officers directly involved in committing violations. On 17 June, MOI reported that 10 investigators of various ranks would be charged for abuse/torture of prisoners and were dismissed.

73. According to reports received by UNAMI HRO, grievous conditions of detention, allegations of torture and mistreatment were also revealed in Diyala Police Directory where 1,480 individuals are allegedly detained without judicial order. Women and juveniles were also said to be held in the same detention facility.

74. Two recent reports by the United States Department of Defense (DOD), published on 16 June, revealed abuses against detainees during the interrogation phase in MNF-I facilities. One report detailed several incidents involving US special operations in 2003 and 2004 where interrogators fed some Iraqi detainees only with bread and water for up to 17 days. The investigation was concluded and no military personnel was charged or punished. UNAMI HRO finds encouragement in the recent DOD’s decision to make public all the interrogation techniques used by the military. On 19 June, three (3) US soldiers suspected of killing three (3) detainees while they attempted to escape the prison and then threatening a soldier with death if he reported the shootings, have been charged with premeditated murder and obstructing justice.

75. On 30 June, the US military announced that a criminal investigation has been opened to establish whether, on 13 March 2006, MNF-I soldiers were responsible for raping a girl and later killing her, along with three other members of her family, in Khasir Abyad area near the town of Mahmoudiya.

### **Al-Jadiriya Report**

76. UNAMI has repeatedly called for the immediate release of the report on Al-Jadiriya, a detention centre run by the Ministry of Interior uncovered on 14 November 2005, and for criminal prosecution of those held responsible. A report into allegations of abuses in Al-Jadiriya was submitted by the Deputy-Prime Minister (Chairperson of the investigative committee) to former Prime Minister Al-Jaafari the first part of 2006. It should be recalled that the High Commissioner for Human Rights sent a letter to the Prime Minister, on 10 February 2006, expressing concern at the delay in publishing the results of the investigative committee and in bringing the perpetrators of human rights abuses to justice. This matter has also been repeatedly raised by the Special Representative of the Secretary General, Mr. Ashraf Qazi, in his contacts with senior Government officials and the Acting Minister for Human Rights has called publicly in early March for the prosecution of those found guilty.

77. According to various informed sources, several detainees held in Al-Jadiriya died while in the custody of MOI; some of malnutrition or lack of hygiene and in some cases as a result of torture. A significant number were subjected to torture; many were detained with judicial orders but some without written orders and others had only been questioned by a judge.

78. The existence of the Al-Jadiriya's bunker was, according to the information gathered by UNAMI HRO, well-known within the Ministry of Interior, especially by the Deputy Minister for Intelligence Affairs. The judiciary would have been also aware of the detention facility and the conditions of the detainees with regular access by judges to the detainees held in Al-Jadiriya. There would be also an allegation that some detainees were medically treated by MNF-I even before 14 November 2005.

### **Alleged MNF-I attacks against civilians**

79. Two investigations were opened by the United States against 3 marine officers and their soldiers after the alleged deliberate killing of 24 civilians in Haditha, on 19 November 2005. The Marine Corps launched its own probe while a separate inquiry is being conducted by the Naval Criminal Investigative Service which could file criminal charges. Core values training were subsequently organized by US and allied troops. Separately, on 25 June the US military charged a soldier with voluntary manslaughter for shooting an unarmed Iraqi man on 15 February near Ramadi. On 21 June, the US military charged seven (7) Marines and a Navy medic with premeditated murder and other crimes in the killing of a disabled man in a Hamdaniya, on 26 April. Three (3) UK soldiers were cleared, on 6 June, of killing a 15-year-old Iraqi boy who drowned after allegedly being forced into a canal.

### **State of emergency**

80. On 31 May a state of emergency was declared in Basra and a ban on vehicle movements imposed for four hours around Friday midday prayers. Following street battles in Baghdad between Shi'a militias, insurgents, Iraqi forces and the MNF-I, the Government of Iraq declared a state of emergency on 23 June and a curfew in the capital. Emergency laws were adopted by former Prime Minister Allawi on 6 July 2004. Under these provisions, curfews, cordon off towns and cities, search operations, etc could be imposed. On 7 November 2004, the Government declared the state of emergency for a period of sixty days. It was never officially extended. According to the International Covenant on Civil and Political Rights, certain procedural and substantive requirements must be fulfilled in order to derogate legitimately from certain obligations under the Covenant. Moreover, a State party may only take such measures as strictly required by the exigencies of the situation. Such measures – including measures to counter-terrorism -- must also be consistent with other obligations under international law, particularly the rules of international humanitarian law and peremptory norms of international law. Even in the context of a state of emergency, States are obliged to protect all non-derogable rights including, *inter alia*, the right to life, the prohibition of torture or cruel, inhuman or degrading punishment, the principle of legality and the recognition of everyone as a

person before the law. In addition, fundamental requirements of fair trial must be respected at all times.

### **Military operations**

81. UNAMI HRO continues to receive reports of alleged incidents related to military/security operations, especially where there has reportedly been loss of civilian life. A constructive dialogue was initiated with the relevant MNF-I authorities and UNAMI HRO welcomes MNF-I efforts in addressing this matter in an impartial and transparent way. Progress has also been made by various Coalition Authorities to compensate for those wrongfully attacked or detained by MNF-I.

82. The cases reported to UNAMI HRO, which could not be independently verified, include:

82.1 On 13 May 2006 the MNF-I, accompanied by the Iraqi Army, reportedly carried out a military operation in Shakha 1 area, in Al-Latifya district south of Baghdad. The operation was said to have taken place following an earlier downing of an MNF helicopter in the same area. Seven (7) civilians are said to have been killed while the private vehicle they were traveling in was hit by an air strike.

82.2 On 14 May 2006, at 4.30 hours, MNF-I reportedly arrived at the home of a retired health sector employee, Mr. Issam Fitiyan Al-Rawi, in Al-Yarmouk neighbourhood in Baghdad. According to members of the family present at the time of the incident, explosions destroyed the gates and some windows of the house. Mr. Al-Rawi apparently came out of his bedroom and into the living room when he was allegedly wounded in the abdomen by a gunshot fired through the bedroom window. When his son Ahmed, a 22-year-old student, tried to assist him, he was also allegedly shot in the head from the outside and died instantly. According to the family, several MNF-I soldiers with an Iraqi translator subsequently entered the home, took female relatives outside the home and reportedly interrogated them while more shots were heard from inside the house. The MNF-I left allegedly taking the two bodies, family documentation, money and other items with them. Another member of the family living in the house has been detained by the MNF-I.

82.3 On 11 June MNF-I planes reportedly carried out an air strike on the home of Sheikh Rasheed Ghazal Al-Mayahee, in Al-Hashimiat area south of Khalis (Diyala Province), killing thirteen inhabitants.

82.4 Ongoing military operations in Al-Anbar areas have reportedly resulted in hardship for the local population. According to information received by UNAMI HRO, operations in Falluja on 17 and 18 June resulted in the death and wounding of civilians and destruction of property. In Ramadi, according to reports received by UNAMI, civilians live in fear of insurgent operations which include attacking MNF from civilian homes and generate a military response by the MNF. Civilians are reported to be severely affected by heavy MNF bombing in the districts of Al-Orphally, Al-Soufiya, Al-Katana,

Al-Mala'ab, Al-Andalus, 30 July and Al-Azeeziya. Ongoing disruption in the supply of basic services, including water and electricity, and increasing militarization of the sectors of the town have forced residents to leave their homes and relocate to neighbouring areas for fears of military attacks. Access to medical care and food supplies has been reportedly rendered difficult by the military operations.

### **Death penalty**

83. The Cassation's Court (Appeal's Court) is currently reviewing the case of Mr. Awraz Abdel Aziz Mahmoud Sae'd, *aka* Al-Kurdi. Mr. Abdel Aziz was sentenced to death by the Central Criminal Court of Iraq on 30 March 2006 for his role, among other things, in the bombing of the United Nations Headquarters in Canal Hotel in Baghdad on 19 August 2003 which resulted in the killing of Sergio Vieira de Mello and 21 other UN staff.

84. As previously stated, the United Nations deeply regrets the reinstatement of the death penalty by the Government of Iraq in 2004. International human rights instruments impose strict limitations on its use, including fair trial standards, and in particular to limit it only to the "most serious" crimes and that it should thus be interpreted as an exceptional measure.

### **Iraqi Higher Tribunal (IHT)**

85. UNAMI HRO has continued to follow closely the IHT proceedings. The prosecution's case ended, on 15 May, with the reading out of the indictment against the eight (8) defendants.

86. On 19 June, the prosecutor in the trial of Saddam Hussein and other co-defendants requested the death penalty for the former President, his half-brother Barzan Al-Tikriti, former vice-president Taha Yassin Ramadan and the former chief judge of the Revolutionary Court, Awad Hamed Al-Bander, for their role in the killing, torture and execution of 148 villagers from Dujail in 1982. Prosecutors asked for lesser punishment than for the four other defendants. On 21 June, Mr. Khamis Al-Obeidi, a lawyer representing Saddam Hussein and other co-defendants, was abducted from his home in Baghdad by men reportedly wearing police uniforms. He was killed soon afterwards and his body was found on a street near Sadr City. He is the third defense lawyer to be killed since the beginning of the trial. The Special Representative of the Secretary-General issued a press release condemning the killing of the lawyer in the context of repeated killings and intimidation of judicial personnel in Iraq.

87. The UN Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy, strongly condemned the assassination of a legal member of the defense team of Saddam Hussein on 22 June and called on the Iraqi Government to launch an independent investigation into the killing. Some international lawyers representing the defendants continued to express serious concerns about the fairness of the trial.

88. On 6-8 June, UNAMI's Office of Constitutional Support convened a multiparty dialogue on human rights dedicated to issues for consideration on the application, enforcement and possible reformulation of the Iraqi Bill of Rights in the context of the Constitutional review and implementation process, held in Baden Austria.

### **Kurdish Region**

89. The parliament of the Region of Kurdistan approved a new unified cabinet on 7 May. The Region continued to enjoy a stable security environment and providing a positive setting for socio-economic development. On 7 June UNAMI HRO participated in a delegation visiting the Kurdish Regional Government (KRG) in Erbil. During meetings with the Prime Minister, Minister of Human Rights, the Minister for Martyrs and Anfal Victims (a newly created position), the Minister for Judicial Affairs and other ministries, it was made clear that UN assistance in the area of human rights and rule of law would be welcome. UNAMI finds encouragement that while current challenges remain significant, in particular with regards to alleged abuses in the area of law enforcement and freedom of expression, progress is also manifested in the advancement of legislation in favour of women's rights, in the protection and promotion of children's rights and in some areas of economic, social and cultural rights. Reports of discrimination against non-Kurds have continued to emerge as well as allegations that security elements associated to the Ministry of Interior and Peshmerga militias have been involved in illegal policing outside of the KRG, notably in Kirkuk and in Ninewa Governorates.

90. On 6 June UNAMI HRO met with NGOs from Mosul, Kirkuk, and Sulaymaniya in UNAMI Erbil Area Office to discuss increased cooperation on human rights issues in northern Iraq through the work of UNAMI HRO in Erbil.

### **Promotion**

#### **Human Rights Project for Iraq 2006-2007**

91. UNAMI HRO, in cooperation with the UN Office of the High Commissioner for Human Rights (OHCHR) and the UN Office of Project Services (UNOPS), has started implementation of the human rights project for Iraq 2006-2007, which was designed in consultation with Iraqi authorities. Activities in the project include support for the establishment of a National Human Rights Institution, organization of activities to help Iraq in developing a national strategy on transitional justice, launching of a public human rights information campaign, strengthening the administration of justice and creating a culture of human rights.

#### **National Human Rights Commission and other Capacity-Building Activities**

92. UNAMI HRO continued to work towards the establishment of an independent National Human Rights Commission. A working group composed of representatives of the Government, the Council of Representatives, civil society, minorities and political parties, has been meeting in Baghdad, under the auspices of UNAMI and with the expert

advice of OHCHR, to draft a law for the establishment of the National Commission. Progress was made during meetings on 17 and 21 May, and on 28 June, to ensure that the text is consistent with the Paris Principles<sup>12</sup>; in particular with regards the independence of the Commission. The urgency to establish such institution in Iraq was also discussed with several members of the Iraqi Government, including the Minister of Human Rights, the Prime Minister and the Minister of Justice. The President of the Council of Representatives, on 26 June, expressed its support for this initiative.

### **Rule of law sectoral working group**

93. UNAMI HRO continues to play an active role in supporting the activities of the Sectoral Working Group on the Rule of Law (SWGROL) composed of representatives from various Ministries and donors under the chairmanship of the President of the Higher Judicial Council. During the reporting period UNAMI HRO provided participants with a matrix which is an overview of ongoing assistance in the sector by the donor community and the UN as well as of the needs expressed by the Iraqi judiciary and Government Ministries. A Unified Work Paper, summarizing the requests by the Higher Judicial Council and key Ministries, was finalized. Six core teams were created to allow technical discussions at the level of each Ministry and to assist the SWGROL in developing a policy framework and a comprehensive strategy on rule of law. This effort should ultimately assist the Iraqi and UN endeavors in developing the good governance, rule of law and human rights component of an international compact for Iraq. Discussions within the context of the SWGROL have also addressed urgent issues such as the question of security of judges and prosecutors.

### **Thematic Working Group on Human Rights**

94. UNAMI HRO has convened a thematic working group on human rights within the UN Country Team for Iraq, based in Amman under the chairmanship of UNDP, to facilitate information sharing on human rights and rule of law issues; to identify priorities and critical gaps in the human rights and rule of law sector; and thus to support planning and programming by the UN system in Iraq. More broadly, the WG aims at mainstreaming human rights into development programs.

95. The first meeting of the Working Group on human rights was held in Amman on 11 June with the participation of UNDP, UNICEF, UNIFEM, and UNESCO in addition to UNAMI HRO/OHCHR. The discussion focused on the current human rights situation in Iraq, main human rights related activities planned or underway by different UN agencies. The group explored cooperation mechanisms to further promote a human rights culture in Iraq and to help the Government of Iraq in establishing institutions to guarantee the enjoyment of human rights by all Iraqi citizens.

### **Supporting the creation of transitional justice long term strategy**

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<sup>12</sup> The Paris Principles are a comprehensive series of recommendations on the role, composition, status and functions of national human rights instruments. They can be found in the Annex to GA resolution 48/134.

96. Addressing past crimes, the missing and the disappeared, including effective accountability mechanisms to fight impunity, are the basis for national reconciliation efforts. UNAMI HRO is engaged in consultations, with the Iraqi authorities, civil society and international experts, aimed at coordinating a process leading to the establishment of a National Centre for Missing and Disappeared Persons in Iraq. UNAMI HRO continues to assist with the establishment of the Centre. UNAMI HRO is also reviewing existing opportunities for training and support to the Medico-Legal Institute in Baghdad.

97. It was announced, on 23 June, that a new mass grave containing 31 bodies was reportedly discovered in an area known as Minghshaiya, 120 kilometres north of Baghdad. The grave is said to contain 31 Kurds killed and buried there during the Saddam regime.

### **Civil Society**

98. On 10 May in Baghdad, UNAMI HRO chaired the Protection Working (PWG), a gathering of approximately 30 Iraqi human rights NGOs meeting regularly to exchange information and explore possibilities of cooperation with UNAMI, to discuss current challenges in the areas of detention. On 29 June another meeting of the PWG discussed challenges regarding economic, social and cultural rights as well as the right of the disabled.

99. UNAMI HRO is currently assisting the Office of the United Nations High Commissioner for Human Rights (OHCHR), in selecting 6 Iraqi human rights NGOs to receive small grants to implement projects related to human rights education inside Iraq through the ACT Project (Assisting Communities Together).

100. UNAMI welcomes the announcement of the new Minister of State for Civil Society, Engineer Adil Al-Asadi, that the draft law on civil society organizations has been withdrawn and that a new draft will be developed.

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